

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CHARLENE MARTINEZ,
individually and on behalf of
all others similarly situated,

Plaintiff,

v.

TD BANK USA, N.A., a National
Bank, and TARGET CORPORATION,
a Minnesota corporation

Defendant.

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 15-7712(JBS/AMD)

ORDER

This matter having come before the Court upon motion of Defendants' for summary judgment [Docket Item 54]; the Court having considered the submissions of the parties; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 30th day of June, 2017, hereby

ORDERED that Defendants' Motion for Summary Judgment as to Plaintiff's RFDCPA claim (Count II) is **DENIED**; and it is further

ORDERED that Defendant's Motion for Summary Judgment as to Plaintiff's TCPA claim (Count I) and UCL claim (Count III) is **GRANTED**; and it is further

ORDERED that Plaintiff's class allegations are hereby **STRICKEN**, without prejudice to Plaintiff's right to seek leave to file an amended pleading setting forth class allegations consistent with the Opinion of today's date.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
U.S. District Judge